

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE FARM FIRE AND CASUALTY
COMPANY, *as subrogee of Sydlane and
Valerie Bhikarry*,

Plaintiff,

v.

TEAM ORION EUROPE, SA, *et al.*,

Defendants.

No. 23-CV-2000 (KMK)

ORDER

KENNETH M. KARAS, District Judge:

Plaintiff State Farm Fire and Casualty Company brings this products liability action against Team Orion Europe, SA; Neidhart SA; Shenzen Grepow Battery Co., Ltd.; and Horizon Hobby, LLC (collectively, “Defendants”). (*See* Compl. (Dkt. No. 1-1).) This Action was originally commenced in the Supreme Court of the State of New York, County of Orange. (*See* Compl.)

On March 8, 2023, Defendant Horizon Lobby, LLC (“Horizon”) filed a Notice of Removal to this Court. (Not. of Removal (Dkt. No. 1).) As relevant here, in its Notice of Removal, Horizon indicated that it is a citizen of Illinois. (*Id.* at 2.) According to the Notice, Plaintiff is also a citizen of Illinois. (*Id.*) The Notice indicates that 28 U.S.C. § 1332(a) is the basis for removal. (*Id.*)

On March 14, 2023, the Court issued an Order directing Horizon to show cause why this Action should not be remanded to New York Supreme Court for lack of jurisdiction. (Order (Dkt. No. 3).) On April 7, 2023, Horizon responded and stated in relevant part that “So long as

the citizenship of any plaintiff is diverse from that of all defendants and the amount in controversy exceeds the threshold, as is the case here, diversity jurisdiction exists under the statute.” (Letter from Stephen D. Straus, Esq. to Court (April 7, 2023) at 2 (Dkt. No. 4).)

It is blackletter law that a federal court has jurisdiction over a removed action under 28 U.S.C. § 1332(a) only where there is complete diversity of parties such that no plaintiff and no defendant are from the same state. *See, e.g., Strawbridge v. Curtiss*, 7 U.S. 267, 267 (1806); *Battaglia v. Shore Parkway Owner LLC*, 249 F. Supp. 3d 668, 670 (E.D.N.Y. 2017) (“Federal courts only have diversity jurisdiction when there is complete diversity between the parties—that is, when all plaintiffs are citizens of different states from all defendants.” (citing, *inter alia*, *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 89 (2005))). Here, Horizon and Plaintiff are citizens of the same state. Complete diversity of parties, therefore, does not exist.

This case is remanded to the Supreme Court of the State of New York, County of Orange. The Clerk of Court is respectfully directed to terminate the pending Letter Motion, (Dkt. No. 73), mail a certified copy of this Order to the Clerk of the State Court, and close this case.

SO ORDERED.

DATED: April 28, 2023
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', with a horizontal line extending from the bottom of the signature.

KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE